IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

NOTICE OF MOTION NO.1793 OF 2007

IN

SUIT NO.3206 OF 1995

Noble Chambers Premises Tenants Association & Anr. ...Plaintiffs

V/s.

Municipal Corporation of Gr.Bombay & Ors. ...Defendants

.....

Mr.Brhamabhatt i/b Thakordas Madgaonkar & Co. for Plaintiffs.

Mr.R.Y.Shirsikar for Defendants 1 to 5.

.....

CORAM: A.M.KHANWILKAR, J.

JULY 26, 2007.

P.C.

1. Counsel for the Plaintiffs in all fairness states that the Motion be made absolute in terms of prayer clause (a) on condition that Defendants 1 to 5 shall pay cost to the Plaintiffs for such indulgence.

2. In view of this submission, it is not necessary for me to go into the correctness of the stand or explanation offered by the Defendants 1 to 5 for the inability in filing the written statement.

3. The Motion is made absolute in terms of prayer clause (a), on condition that the Defendant 1 to 5 shall pay cost quantified at Rs.3,000/- (Rupees Three Thousand) to the Plaintiffs within two weeks from today. The amounts towards cost shall be initially paid by Defendant No.1 Corporation on clear understanding that the same will be recovered from the person who was responsible for delayed filing of written statement personally and not from Public Exchequer. The process of recovery of cost from the concerned persons should be completed within six weeks from the date of deposit of the cost in this Court. Ordered accordingly.

4. Motion disposed of accordingly.

5. Although there is order to proceed against

remaining Defendants 7 to 12 as undefended Suit, however, having regard to the nature of reliefs claimed, the common decree will have to be passed against all the Defendants. For that reason, the Suit shall now proceed for hearing, though ex-parte against said Defendants 7 to 12 to be placed before appropriate Court on 10th August 2007 under caption ‘for framing issues’.

6. This order is passed in anticipation that the Defendants 1 to 5 will pay cost within the specified time.

A.M.KHANWILKAR, J.